



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

October 31, 1983

Mr. James H. McCutchan
State Mine Inspector
705 West Wing
State Capitol Building
Phoenix, Arizona 85007

Re: I83-121 (R83-052)

Dear Mr. McCutchan:

You have inquired whether the State Mine Inspector has jurisdiction over construction workers at a mine. We think the determination of jurisdiction depends upon whether the construction activity relates to a mining operation.

In general, the Mine Inspector has jurisdiction over all "operations." A.R.S. § 27-302. The term "operations" is statutorily defined in A.R.S. § 27-301.9 as meaning any "mine, mill or smelter."

As we have previously opined, in order for the Mine Inspector to have jurisdiction over workers performing a particular activity, the activity must be mine-related. Ariz. Atty. Gen. Ops. 179-183, 57-18. Consequently, the appropriate inquiry is whether the particular work in which the construction workers are engaged is a mine-related activity.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN
Attorney General

BC:ERE:kb